

REMARKS

Claims 9-24 are pending and stand rejected. Claims 9, 12, 13, 15, 19, 20, 22, and 24 are amended and claims 10, 11, 14, 17, and 21 are canceled, without prejudice, by this response. Original claims 1-8 were previously canceled. Support for the amendments can be found in the claims as filed. Accordingly, Applicants submit that no new matter has been added by the amendments presented herein.

Rejections Under 35 U.S.C. §112, second paragraph.

The Examiner rejected claims 19 and 24 under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, the Examiner questioned the relationship between the tail gas treatment unit and the plant. The Examiner indicated that the recitation concerning the tail gas treatment unit of claim 14 was acceptable. In view of the amendments to claims 9 and 20 regarding the tail gas treatment unit and the conforming amendments to claims 19 and 24, Applicants submit that the rejection of claims 19 and 24 is now moot. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. §102(e).

The Examiner rejected claims 9, 11, 13, 16, 20 and 23 under 35 U.S.C. §102(e) as being anticipated by Parsley, US published application US 2004/0244973. Claims 9, 13 and 20 have been amended to incorporate the further recitations of claims 10, 14 and 21, respectively. The Examiner did not reject claims 10, 14 and 21 under the Parsley publication. Applicants submit therefore, that the claims, as amended, are novel over Parsley.

Claim 12 depends from claim 9, claims 15, 16, 18 and 19 depend from claim 13 and claims 22 to 24 depend from claim 20. Conforming amendments to correct the dependency have been made to several of those claims.

Applicants submit that claims 9, 13, 16, 20 and 23 are novel and nonobvious over the teachings of the Parsley publication. Withdrawal of the rejection of claims 9, 13, 16, 20 and 23 under 35 U.S.C. §102(e) over the Parsley publication is respectfully requested.

Provisional Double Patenting Rejections

The Examiner *provisionally* rejected claims 9, 10 and 13-24 on the grounds of nonstatutory obviousness-type double patenting in view of claims 17, 19-21 and 23 of application 10/538,417 (the “417 application”). Claims 11 and 12 are *provisionally* rejected on the same grounds over claim 17 of the ‘417 application in view of the Parsley publication. Because the rejection of claims 9 -24 is provisional, Applicants will take no action at this time, but reserve the right to contest the bases for the rejection and to file a Terminal Disclaimer should that be necessary after further prosecution of the ‘417 application.

Conclusion

Applicants have amended the claims to incorporate subject matter of claims 11, 14 and 21 into claims 9, 13 and 20, respectively. The claims as amended are believed to recite a novel and nonobvious invention and as such, are in condition for allowance. If the undersigned can be of assistance in advancing the application to allowance, the Examiner may contact the undersigned at the number set forth below.

Respectfully submitted,



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